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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

In re Application of :
Kwasaki, et al. : DECISION ON APPLICATION
Application No. 09/997,655 : FOR PATENT TERM ADJUSTMENT
Filed: November 29, 2001 :
Atty. Dkt. No.: FUJR 19.202 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705," filed March 7, 2008. This matter is being properly treated under 37 CFR 1.705(b) as an application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby GRANTED TO THE EXTENT INDICATED HEREIN.

The correct determination of PTA at the time of the mailing of the Notice of Allowance is 631 days.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed January 9, 2008, indicated a patent term adjustment (PTA) to date of 491 days. The instant application for PTA was timely filed March 7, 2008 prior to the payment of the issue fee. Applicants argue that the application is entitled to an overall adjustment of 688 days (827 days for Office delays less 139 days for applicants' delays).

Applicants do not contest the adjustment under 37 CFR 1.702(a) of 827 days.

Applicants do not contest the reduction of 80 days assessed in connection with applicants' response filed September 22, 2006 in response to the non-final Office mailed April 4, 2006.

Applicants do not contest the reduction of 29 days assessed in connection with applicants' response filed December 13, 2007 in response to the final rejection mailed August 14, 2007.

Applicants do contest the reduction of 227 days assessed in connection with the reply filed March 20, 2006 in response to the non-final Office action mailed November 18, 2005.

Applicants assert the correct reduction in this regard is 30 days.

A review of the record reveals that applicants are correct. The non-final Office action was re-mailed November 18, 2005. Thus, the adjustment of 827 days is properly reduced 30 days in accordance with 37 CFR 1.704(b), as argued by applicants. The reduction commenced February 19, 2006, the day after the date that is three months after the date the non-final Office action was mailed, and ended March 20, 2006, the date the response thereto was filed.

The adjustment of 827 days must also be reduced an additional 57 days in connection with the submission of the RCE on March 14, 2007. In accordance with 37 CFR 1.704(b), the reduction commenced January 18, 2007, the day after the date that is three months after the date that the first final rejection was mailed, and ended March 15, 2007, the date that the RCE was filed in response to the final rejection.

In view thereof, at the time of allowance, the application is entitled to an overall adjustment of 631 days (adjustments totaling 827 days less reductions totaling 196 days).

The required PTA application fee of $200.00 has been charged to applicants' deposit account as authorized.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Office of Patent Publication for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Adjusted PAIR Calculation

Day : Monday
Date: 6/23/2008

PALM INTRANET

Time: 10:52:44

PTA Calculations for Application: 09/997655			
Application Filing Date:	11/29/2001	PTO Delay (PTO):	827
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	336
Post-Issue Petitions:	0	Total PTA (days):	631
PTO Delay Adjustment:	140		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
64	06/23/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	140		
54	01/09/2008	MAIL NOTICE OF ALLOWANCE			
53	01/08/2008	ISSUE REVISION COMPLETED			
52	01/08/2008	DOCUMENT VERIFICATION			
51	01/08/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
50	01/07/2008	NOTICE OF ALLOWABILITY			
49	12/21/2007	DATE FORWARDED TO EXAMINER			
48	12/13/2007	AMENDMENT AFTER FINAL REJECTION		29	43
47	12/13/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
43	08/14/2007	MAIL FINAL REJECTION (PTOL - 326)			
42	08/13/2007	FINAL REJECTION			
41	07/27/2007	DATE FORWARDED TO EXAMINER			
40	07/18/2007	RESPONSE AFTER NON-FINAL ACTION			
39	04/19/2007	MAIL NON-FINAL REJECTION			
38	04/13/2007	NON-FINAL REJECTION			
37	03/26/2007	DATE FORWARDED TO EXAMINER			
36	03/14/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
35	03/26/2007	DATE FORWARDED TO EXAMINER			
34	03/14/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
33	03/26/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
32	03/14/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
31	03/14/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			

30	03/15/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
29	10/17/2006	MAIL FINAL REJECTION (PTOL - 326)			
28	10/14/2006	FINAL REJECTION			
27	10/03/2006	DATE FORWARDED TO EXAMINER			
26	09/22/2006	RESPONSE AFTER NON-FINAL ACTION		80	24
25	09/22/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
24	04/04/2006	MAIL NON-FINAL REJECTION			
23	04/01/2006	NON-FINAL REJECTION			
22	03/24/2006	DATE FORWARDED TO EXAMINER			
21	03/20/2006	RESPONSE AFTER NON-FINAL ACTION		227	16
20	03/20/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
19	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
18	11/18/2005	MAIL NOTICE OF RESTARTED RESPONSE PERIOD			
17	11/17/2005	LETTER RESTARTING PERIOD FOR RESPONSE (I.E. LETTER RE: REFERENCES)			
16	05/05/2005	MAIL NON-FINAL REJECTION	827		-1
15	05/03/2005	NON-FINAL REJECTION			
14	04/08/2005	CASE DOCKETED TO EXAMINER IN GAU			
13	04/08/2005	CASE DOCKETED TO EXAMINER IN GAU			
12	10/01/2004	CASE DOCKETED TO EXAMINER IN GAU			
11	06/07/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	11/29/2001	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
9.7	11/29/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	11/29/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	04/29/2003	MISCELLANEOUS INCOMING LETTER			
7	12/22/2002	CASE DOCKETED TO EXAMINER IN GAU			
6	09/18/2002	CASE DOCKETED TO EXAMINER IN GAU			
5	01/04/2002	APPLICATION DISPATCHED FROM OIPE			
4	12/28/2001	APPLICATION IS NOW COMPLETE			
3	12/17/2001	CORRESPONDENCE ADDRESS CHANGE			
2	12/07/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/29/2001	INITIAL EXAM TEAM NN			

Search Another: Application# [] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page